

# DEPARTMENT OF TRANSPORTATION

## STATE OF GEORGIA

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### INTERDEPARTMENT CORRESPONDENCE

  
**FROM:** Meg Pirkle, P.E., Chief Engineer

**DATE:** September 28, 2017

**TO:** Program Delivery, Engineering, Permits/Operations, Construction, Maintenance, and Local Grants/Field Districts, Engineering Services, TIA

**SUBJECT:** Design Variances for “Off-System” Projects

This letter is a follow up to policy announcement letter dated June 1, 2016, from the Director of Engineering on the subject of [Update to FHWA Controlling Criteria](#).

The Department has been involved in administering state and federal funding programs for improving off-system roadways for many years. The term “off-system” refers to roadways or bridges that are not associated with, or designated as, a state route or a route on the National Highway System (NHS).

On May 5, 2016, FHWA sent Information Memorandum titled “[Revisions to the Controlling Criteria for Design and Documentation for Design Exceptions](#)”. In addition to revising the number of controlling criteria the Memo also revised the application of design exceptions to controlling criteria based on low-speed (less than 50 mph) and high-speed (greater than or equal to 50 mph). The Memo also established rules on how deviations from controlling criteria and non-controlling criteria would be handled for roadways on the NHS and for Non-NHS roadway projects utilizing federal-aid. And, the Memo reaffirmed the approval authority given to state DOTs through Stewardship and Oversight agreements, and acknowledged that states may determine their own level of documentation depending on their State laws and risk management practices.

Therefore, after considering Georgia Code § 50-21-24, *Exceptions to state liability*, the Department has decided to waive the requirement of a formal Design Exception or Design Variance for projects on off-system roadways regardless of whether state or federal funding is involved, with the two exceptions listed below:

1. Whenever employees of the Department are directly involved in the engineering and design, right-of-way acquisition, and/or construction letting of a project on an off-system roadway, then the normal approval of a Design Variance by the Department’s Chief Engineer will be required before any deviation to minimum design standards can be incorporated into the project. This also applies to any of the above work activity being accomplished on behalf of the Department by consulting engineering firms or contractors hired by the Department.

2. Any deviation proposed to “Design Loading Structural Capacity”<sup>1</sup> standards will require the normal approval of a Design Variance from the Department’s State Bridge Engineer and/or the Department’s Chief Engineer before any deviation can be incorporated into a project.

This change is intended to provide more flexibility to local governments and their Engineer-of-Record, to make practical design decisions for off-system roadways within their jurisdiction. This change will not affect existing or future project framework agreements between the Department and Local Governments, including the expectation to observe the design policies defined in the GDOT Design Policy Manual<sup>2</sup>. The Department encourages local governments and their Engineer-of-Record to document all design decisions to demonstrate compliance with accepted engineering principles and the reasons for the decision.

The above changes have been incorporated into [Table 2.1 Exception to Design Standards](#) of the GDOT Design Policy Manual. If you have any questions, you may either send an email to [designexception@dot.ga.gov](mailto:designexception@dot.ga.gov) or contact Brent Story at (404) 631-1600, or Michelle Pate with the Office of Design Policy & Support at (404) 631-1771.

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<sup>1</sup> Criteria for Design Loading Structural Capacity is published in the GDOT [Bridge and Structures Design Manual](http://www.dot.ga.gov/PartnerSmart/DesignManuals/BridgeandStructure/GDOT_Bridge_and_Structures_Policy_Manual.pdf) at internet address:  
[http://www.dot.ga.gov/PartnerSmart/DesignManuals/BridgeandStructure/GDOT Bridge and Structures Policy Manual.pdf](http://www.dot.ga.gov/PartnerSmart/DesignManuals/BridgeandStructure/GDOT_Bridge_and_Structures_Policy_Manual.pdf)

<sup>2</sup> **Title 23 U.S.C. 109(o), Compliance With State Laws for Non-NHS Projects**

Projects (other than highway projects on the National Highway System) shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.